

FILED

09 DEC 31 PM 4:23

COURT, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

OG  
DEPUTY

1 SEPEHR TORABI  
2 3253 Caminito East Bluff, #26  
La Jolla, California 92037  
Phone: (858) 518-1515  
3

4 Plaintiff, In Pro Se  
5  
6

BY:

7 UNITED STATES DISTRICT COURT

8 SOUTHERN DISTRICT OF CALIFORNIA

9 CITIBANK NA AS TRUSTEE FOR  
WAMU 2004-AR9  
10

'09 CV 2945  
Case No.

(W) WVG

Plaintiff

NOTICE OF REMOVAL

vs.

[28 U.S.C. § 1446]

12 SEPEHR TORABI, and  
DOES 1 through 6, INCLUSIVE  
13

Defendants

JURY REQUESTED

15  
16 TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA; TO THE HONORABLE JUDGE OF THE SUPERIOR  
18 COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, and to Plaintiff,  
19 CITIBANK N.A. AS TRUSTEE FOR WAMU 2004-AR9.

20 Defendant, SEPEHR TORABI, hereby provides Notice of Removal of case No. 37-2009-  
21 00046227 UD CTL from the Superior Court of the County of San Diego, to the United States  
22 District Court Southern District of California. This removal is based on the following grounds:

23 On August 19, 2009 an action was commenced by Plaintiff Citibank N.A. against Defendant  
24 Sepehr Torabi in the Superior Court of the State of California in and for the County of San Diego  
25 entitled *Citibank N.A. as Trustee for Wamu 2004-AR9 vs. Torabi, and Does 1-6 Inclusive* bearing  
26 San Diego County Superior Court Case No. 37-2009-00046227-CL-UD-CTL, regarding real  
27 property situated in the State of California (A true copy of the complaint is attached hereto as  
28 "Exhibit A" and made a part of this pleading.)

CR

1       Contained in Plaintiffs complaint is a verification, signed by the attorney for Plaintiff, namely  
2 Randall D. Naiman, stating that his client was absent from the County of San Diego and unable to  
3 verify the pleading.

4       Defendant is informed and believes that the headquarters of Plaintiff Citibank N.A. is  
5 located in the State of New York. Defendant Sepehr Torabi is domiciled in the State of California,  
6 and the real property subject to the proceeding is situated in the State of California.

7       By reason of the foregoing, the above described action is a civil action which may be  
8 removed to the United States District Court by Defendant Torabi pursuant to the provisions of  
9 28 U.S.C. § 1441(a) and 28 U.S.C. § 1332, because this is between citizens of different states and  
10 whereas, the amount of damages which would be sustained by Defendant would exceed \$75,000.00  
11 exclusive of interest and costs.

12       On the date specified below, a copy of this notice is being served on Plaintiffs attorney and  
13 a copy of this notice is being filed with the clerk of the Superior Court of the State of California, in  
14 and for the County of San Diego.

15       Respectfully submitted by:

16  
17 Date: 12/31/09

  
\_\_\_\_\_  
SEPEHR TORABI  
Defendant, In Pro Se

19  
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28

FILED  
CIVIL BUSINESS OFFICE 8  
CENTRAL DIVISION

1 Randall D. Naiman, Esq. - State Bar No. 81048  
2 NAIMAN LAW GROUP  
3 Professional Corporation  
4 4660 La Jolla Village Drive, Suite 500  
5 San Diego, California 92122  
(858) 535-4808 (telephone)  
(858) 535-4809 (facsimile)

09 AUG 19 AM 11:19

CLERK-SUPERIOR COURT  
SAN DIEGO COUNTY, CA

5 Attorney for Plaintiff, CITBANK, NA AS TRUSTEE FOR WAMU 2004-AR9  
6  
7

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO  
9 CENTRAL DIVISION

10 CITBANK, NA AS TRUSTEE FOR WAMU  
11 2004-AR9

Case No.: 37-2009-00046227-CL-UD-CTL

12 Plaintiff,  
13 vs.  
14 SEPEHR TORABI; and DOES 1 to 6,  
15 inclusive  
16 Defendants.

LIMITED CIVIL CASE

COMPLAINT FOR UNLAWFUL  
DETAINER

AMOUNT DEMANDED DOES NOT  
EXCEED \$10,000.00

Foreclosure

18 Plaintiff alleges:

19 1. This court is the proper court for the trial of this action because:

20 a. Each Defendant resides and/or conducts business in the area served by this  
21 Court;

22 b. The real property which is the subject of this action 3253 Caminito  
23 Eastbluff Unit 26, La Jolla, CA 92037 (hereinafter "the Property"), is located in the area  
24 served by this Court; and

25 c. The amount of damages claimed in this action does not exceed \$10,000.00.

26 2. Plaintiff is informed and believes and upon such information and belief  
27 alleges that Defendant Sepehr Torabi (hereinafter "Defendant") at all times herein  
28

FILED

CIVIL BUSINESS OFFICE SUM-130  
FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

09 AUG 19 AM 11:19

CLERK-SUPERIOR COURT  
SAN DIEGO COUNTY, CA

**SUMMONS**  
**(CITACION JUDICIAL)**  
**UNLAWFUL DETAINER—EVICTION**  
**(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**

SEPEHR TORABI, and DOES 1 to 6, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CITIBANK, N.A. AS TRUSTEE FOR WAMU 2004-AR9

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. The name and address of the court is:

(El nombre y dirección de la corte es):  
**SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF SAN DIEGO  
 330 West Broadway  
 San Diego, CA 92101  
 CENTRAL DIVISION**

CASE NUMBER:

(Número de expediente)  
**37-2009-00046227-CL-UD-CTL**

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
**Randall D. Naiman, Esq. (#81048)  
 Naiman Law Group, PC  
 4660 La Jolla Village Drive, Suite 500  
 San Diego, CA 92122**  
 (858) 535-4808  
 (858) 535-4809

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415)  did not  did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: **AUG 19 2009** Clerk, by **C. BOYLE**, Deputy (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
 (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**COPY**

## 4. NOTICE TO THE PERSON SERVED: You are served

- a.  as an individual defendant.
- b.  as the person sued under the fictitious name of (specify):
- c.  as an occupant
- d.  on behalf of (specify):

under:  CCP 416.10 (corporation)  
 CCP 416.20 (defunct corporation)  
 CCP 416.40 (association or partnership)  
 CCP 415.46 (occupant)

CCP 416.60 (minor)  
 CCP 416.70 (conservatee)  
 CCP 416.90 (authorized person)  
 other (specify):

5.  by personal delivery on (date):

Page 1 of 2

FILED

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Randall D. Naiman, Esq. (#81048)</b> <b>Naiman Law Group, PC</b> <b>4660 La Jolla Village Drive</b> <b>Suite 500</b> <b>San Diego, CA 92122</b> <b>TELEPHONE NO.: (858) 535-4808</b> <b>FAX NO.: (858) 535-4809</b> <b>ATTORNEY FOR /Name): CITIBANK</b>		CIVIL BUSINESS ONLY CENTRAL DIVISION  09 AUG 19 AM 11:19  CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b> STREET ADDRESS: <b>COUNTY OF SAN DIEGO</b> MAILING ADDRESS: <b>330 West Broadway</b> CITY AND ZIP CODE: <b>San Diego, CA 92101</b> BRANCH NAME: <b>CENTRAL DIVISION</b>		
CASE NAME: <b>CITIBANK v. TORABI</b> <b>CITIBANK v. TORABI</b>		
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	<b>CASE NUMBER:</b> <b>37-2009-00046227-CL-UD-CTL</b>
		<b>JUDGE:</b>  <b>DEPT:</b>

Items 1-6 below must be completed (see instructions on page 2).

## 1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b>	<b>Contract</b>	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b>	<b>Real Property</b>	<b>Enforcement of Judgment</b>
<input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<input type="checkbox"/> Enforcement of judgment (20)
<b>Non-PI/PD/WD (Other) Tort</b>	<b>Unlawful Detainer</b>	<b>Miscellaneous Civil Complaint</b>
<input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b>	<b>Judicial Review</b>	<b>Miscellaneous Civil Petition</b>
<input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a.  Large number of separately represented parties      d.  Large number of witnesses  
b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve      e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c.  Substantial amount of documentary evidence      f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive

## 4. Number of causes of action (specify): 1

5. This case  is  not a class action suit.

## 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 14, 2009

Randall D. Naiman, Esq. (#81048)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

**NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.**

1. If you live here and you do not complete and submit this form within 10 days of the date of service shown on this form, you will be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. If you file this form, your claim will be determined in the eviction action against the persons named in the Complaint.
3. If you do not file this form, you will be evicted without further hearing.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address):

TELEPHONE NO.:

FOR COURT USE ONLY

ATTORNEY FOR (Name):

**NAME OF COURT:** SUPERIOR COURT OF CALIFORNIA**STREET ADDRESS:** COUNTY OF SAN DIEGO**MAILING ADDRESS:** 330 West Broadway**CITY AND ZIP CODE:** San Diego, CA 92101**BRANCH NAME:** CENTRAL DIVISION**PLAINTIFF:** CITIBANK, NA AS TRUSTEE FOR WAMU 2004-AR9*CIT BANK***DEFENDANT:** SEPEHR TORABI, and DOES 1 to 6, inclusive**PREJUDGMENT CLAIM OF RIGHT TO POSSESSION**

CASE NUMBER:

Complete this form only if ALL of these statements are true:

1. You are NOT named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) Complaint was filed.
3. You still occupy the premises.

(To be completed by the process server)

**DATE OF SERVICE:**

(Date that this form is served or delivered, and posted, and mailed by the officer or process server)

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify):
2. I reside at (street address, unit No., city and ZIP code):
3. The address of "the premises" subject to this claim is (address): 3253 Caminito Eastbluff Unit 26, La Jolla, CA 92037
4. On (insert date): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is the court filing date on the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of right to possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing of \$  or file with the court the form "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file with the court the form for waiver of court fees within 10 days from the date of service on this form (excluding court holidays), I will not be entitled to make a claim of right to possession.

(Continued on reverse)

SHORT TITLE: CITIBANK v. TORABI	SUM-200(A) CASE NUMBER:
---------------------------------	----------------------------

**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (*Check only one box. Use a separate page for each type of party.:*)

Plaintiff     Defendant     Cross-Complainant     Cross-Defendant

Attorney of Party Without Attorney (Name and Address) <b>Naiman Law Group</b> 4660 La Jolla Village Drive San Diego CA 92122 Attorney For: PLAINTIFF				Telephone No: <b>(858)535-4808</b>	FOR COURT USE ONLY
				Reference Number: <b>2632566</b>	44194
Plaintiff/Petitioner: Citbank, NA Defendant/Respondent: Sepehr Torabi, et al.					
<b>PROOF OF SERVICE</b> "FILE BY FAX"	Hearing Date:	Time:	Dept./Div.:	Case Number: <b>NOTICE</b>	

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate

On the following tenant(s): All Tenants, Subtenants, and Others in Possession

Address: 3253 Caminito Eastbluff, Unit 26  
La Jolla, CA 92037

Date and Time of Posting: 8/6/2009 at 5:07pm.

BY POSTING a copy for each above-named tenant in a conspicuous place on the property therein described, there being no person of suitable age or discretion to be found at any known place of residence or business of said tenant(s) AND MAILING by first-class mail on said date a copy to each tenant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully pre-paid, addressed to the above-named tenant(s) at the place where the property is situated.

FILE BY FAX PER CRC 2.303

7. Person Serving (name, address, and telephone No.):

**Attorney Service of San Dimas**  
142 East Bonita Avenue, #51  
San Dimas, CA 91773  
(909)394-1202 Fax (909)394-1204

Fee for service: \$ **\$0.00**

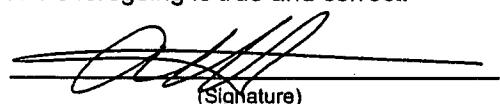
**Andrew Hernandez**

Registered California Process Server:

- (i) Independent Contractor
- (ii) Registration No.: 1112
- (iii) County: San Bernardino

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8/11/2009



(Signature)

Attorney of Party Without Attorney (Name and Address) <b>Naiman Law Group 4660 La Jolla Village Drive San Diego CA 92122 Attorney For: PLAINTIFF</b>				Telephone No: <b>(858)535-4808</b>	FOR COURT USE ONLY
				Reference Number: <b>2632565</b>	<b>44194</b>
<b>Plaintiff/Petitioner: Citbank, NA Defendant/Respondent: Sepehr Torabi, et al.</b>					
<b>PROOF OF SERVICE "FILE BY FAX"</b>	Hearing Date:	Time:	Dept./Div.:	Case Number: <b>NOTICE</b>	

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate

On the following tenant(s): Sepehr Torabi

Address: 3253 Caminito Eastbluff, Unit 26  
La Jolla, CA 92037

Date and Time of Posting: 8/6/2009 at 5:07pm.

BY POSTING a copy for each above-named tenant in a conspicuous place on the property therein described, there being no person of suitable age or discretion to be found at any known place of residence or business of said tenant(s) AND MAILING by first-class mail on said date a copy to each tenant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully pre-paid, addressed to the above-named tenant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

**Attorney Service of San Dimas**  
142 East Bonita Avenue, #51  
San Dimas, CA 91773  
(909)394-1202 Fax (909)394-1204

Fee for service: \$ \$45.00

Andrew Hernandez

Registered California Process Server:

- (i) Independent Contractor
- (ii) Registration No.: 1112
- (iii) County: San Bernardino

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8/11/2009



(Signature)

## CIVIL COVER SHEET

eJS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**  
**CITIBANK NA AS Trustee for  
 WA MU AR-2004AR9**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

**SEPE HOPSEC 3T CP# 837**

County of Residence of First Listed Defendant  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
 LAND INVOLVED.

DEPUTY

Attorney's Name

09 CV 2945

W WVG

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff       3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant       4 Diversity  
 (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   | PTF   | DEF   |
|---|---------------------------------------|---------------------------------------|---|---|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FEDERAL TAX LAWS	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 620 Other Food & Drug Med. Malpractice	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 590 Other	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<b>LAVOR</b>	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 730 Labor/Agmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI
<input checked="" type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>FEDERAL TAX LAWS</b>
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<b>IMMIGRATION</b>	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 462 Naturalization Application	
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
		<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation

Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 USC 1601

Brief description of cause:

Unlawful foreclosure

15 USC 1692

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

## DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

John A. Haston

DOCKET NUMBER

09CV02838J

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/31/09

John A. Haston

FOR OFFICE USE ONLY

RECEIPT # 8791

AMOUNT \$300-

APPLYING IPP

JUDGE

MAG. JUDGE

MB

Court Name: USDC California Southern  
Division: 3  
Receipt Number: CAS008791  
Cashier ID: mbain  
Transaction Date: 12/31/2009  
Payer Name: SEPEHR TORABI

CIVIL FILING FEE  
For: CITIBANK V TORABI  
Case/Party: D-CAS-3-09-CV-002945-001  
Amount: \$350.00

CHECK  
Check/Money Order Num: 5129  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

There will be a fee of \$45.00  
charged for any returned check.